

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

MERCHANTS BONDING COMPANY	)	CASE NO. 1:25-cv-00835
(MUTUAL),	)	
	)	JUDGE PHILIP J. CALABRESE
Plaintiff,	)	
	)	
v.	)	<u><b>MOTION TO WITHDRAW DEFENDANTS'</b></u>
	)	<u><b>MOTION FOR AN EXTENSION OF TIME</b></u>
CHAGRIN VALLEY PAVING, INC. <i>ET</i>	)	<u><b>TO MOVE, ANSWER, OR OTHERWISE</b></u>
<i>AL</i> . ,	)	<u><b>RESPOND</b></u>
	)	
Defendants.	)	

Now come Defendants Chagrin Valley Paving, Inc., Paul A. Phillips, Kara L. Phillips, Kahill Contractors, LLC, Phillips National Paving Group, LLC, Phillips Family Enterprises, LLC, and Store It, Lock It, Leave It, LLC (collectively the “Defendants”), by and through undersigned counsel, and hereby move this Court to withdraw their Motion for an Extension of Time to Move, Answer, or Otherwise Respond (the “Motion”) which was filed with this Court on May 21, 2025. Defendants are withdrawing their Motion because on May 22, 2025, Plaintiff officially requested that Defendants waive service of summons to which Defendants have agreed.<sup>1</sup>

Pursuant to Rule 12(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, a defendant is required to answer a complaint within 60 days after the request for a waiver is made. As the request was first made on May 22, 2025, the time for Defendants to answer, move, or respond to Plaintiff’s, Merchants Bonding Company (Mutual), Complaint now expires on **Monday July 21, 2025**.

Accordingly, the basis for Defendants’ Motion is now moot and therefore the same is no longer necessary. A proposed order granting this Motion is attached hereto as **Exhibit A**.

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<sup>1</sup> A copy of Plaintiff’s e-mail request for a waiver of service of summons is attached hereto and incorporated herein as **Exhibit B**.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

This is to certify that on May 22, 2025, a true and correct copy of the foregoing *Motion to Withdraw of Defendant's Motion for an Extension of Time to Move, Answer, or Otherwise Respond* was served via the Court's electronic filing system upon the following:

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